

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARIA DE JESUS ESPARZA DE SUAREZ,

Plaintiff,

v.

RAND BEERS, *et al.*,

Defendants.

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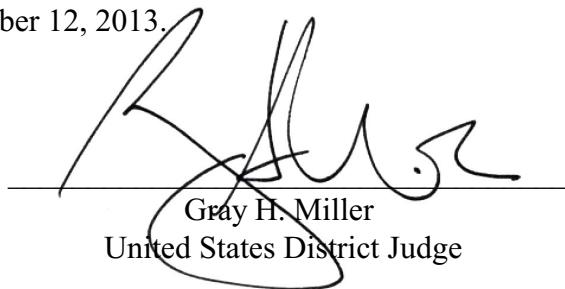
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CIVIL ACTION H-13-2969

ORDER OF DISMISSAL

Pending before the court is plaintiff Maria de Jesus Esparza de Suarez's ("Suarez") first amended petition for a writ of habeas corpus under 28 U.S.C. § 2241. Dkt. 7. On June 10, 2013, the Immigration Judge ("IJ") entered an order of removal for Suarez's return to Mexico. *Id.* at 3. Suarez claims that the IJ's conduct during the hearing and her ultimate decision violated Suarez's rights to due process and certain rights under international law. *Id.* at 6. However, even assuming that the IJ's order was erroneous, this court does not have jurisdiction to hear a petition for a writ of habeas corpus relating to a final removal order. *See* 8 U.S.C. § 1252(a)(5). Suarez's sole federal court avenue for relief in these circumstances is to file a petition for a writ of review with the Fifth Circuit Court of Appeals. *Merlan v. Holder*, 667 F.3d 538, 539 (5th Cir. 2011). Suarez's first amended petition is therefore **DISMISSED** for want of jurisdiction.

Signed at Houston, Texas on November 12, 2013.



Gray H. Miller
United States District Judge